

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RANDY L. BROOKS, SR, #251142,

Petitioner,

v.

CASE NO. 2:16-CV-10550
HON. GEORGE CARAM STEEH

SHAWN BREWER,

Respondent.

_____ /

ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION

This matter is before the Court on the petitioner's motion for reconsideration concerning the Court's decision dismissing without prejudice his petition for a writ of habeas corpus, denying his motion for release pending appeal, denying a certificate of appealability, and denying leave to proceed in forma pauperis on appeal. The Court found that the petitioner has not fully exhausted all of his habeas claims in the state courts, that he is in the midst of state collateral review proceedings, that he must properly exhaust his claims in the state courts before proceeding on federal habeas review, and that a stay is unwarranted. In his motion, the petitioner seeks a stay due to the statute of limitations, his pro se status, and the fact that he is in the midst of pursuing state collateral review.

Having reviewed the matter, the Court finds no reason to reconsider its decision. A motion for reconsideration which presents issues already ruled upon by the Court, either expressly or by reasonable implication, will not be granted. See Hence v. Smith, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); Czajkowski v. Tindall & Assoc., P.C., 967 F. Supp. 951, 952 (E.D. Mich. 1997). The petitioner raises such issues in his motion. The petitioner

has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(h)(3). The Court properly dismissed the petition on exhaustion grounds and declined to issue a stay or release pending appeal. The Court also properly denied a certificate of appealability and denied leave to proceed in forma pauperis on appeal. Accordingly, the Court **DENIES** the petitioner's motion for reconsideration. This case remains closed.

IT IS SO ORDERED.

Dated: April 5, 2016

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on April 5, 2016, by electronic and/or ordinary mail and also on Randy Brooks, Sr. #251142, Parnall Correctional Facility, 1780 E. Parnall, Jackson, MI 49201.

s/Barbara Radke
Deputy Clerk